

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

HEARING DATE: May 31, 2018
HEARING TIME: 10:00 AM

IN RE:

James A. Hunter,

DEBTOR.

X

CASE NO.: 18-41542 cec

Chapter: 13

CHIEF JUDGE: CARLA E. CRAIG

X

OBJECTION TO CONFIRMATION

**TO: THE HONORABLE CARLA E. CRAIG,
UNITED STATES BANKRUPTCY CHIEF JUDGE:**

Stephani A. Schendlinger, Esq., an attorney duly admitted to practice law before this Court, hereby affirms the following under penalty of perjury:

1. I am an attorney regularly associated with the law firm of Rosicki, Rosicki & Associates, P.C., attorneys for the secured creditor, Wells Fargo Bank, N.A. (hereinafter, "Claimant"), and make this affirmation in objection to the confirmation of the Debtor's proposed Chapter 13 plan (the "Plan").

2. Claimant is a secured creditor of the Debtor pursuant to a Note and Mortgage Agreement executed by the Debtor, securing the property located at 7951 266th Street, Glen Oaks, NY 11004-1326.

3. As the loan is pre-petition due for the July 5, 2010 mortgage payment, Claimant will be filing a claim itemizing said delinquency with associated fees, costs, etc. in excess of \$356,400.00 (Proof of Claim bar date is May 30, 2018). The proposed Plan fails to provide any of these arrears.

4. Claimant objects to confirmation because the Plan is insufficient to cure the pre-petition arrears owed to Claimant.

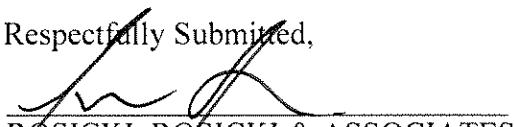
5. Pursuant to §1322(b)(3) and (5) of the Bankruptcy Code, the Chapter 13 plan of reorganization must cure a default owed to a creditor that holds a secured claim within a reasonable period of time. The Plan does not cure the default under the Note held by Claimant.

Since the Plan does not cure the default under the Note, Claimant objects to confirmation of the Plan.

WHEREFORE, Claimant objects to the confirmation of the Chapter 13 Plan submitted by the above named Debtor and respectfully requests that such other relief as this Court deems just and proper be granted.

Dated: April 19, 2018
Plainview, New York

Respectfully Submitted,


ROSICKI, ROSICKI & ASSOCIATES, P.C.
By: Stephan A. Schendlinger, Esq.
Attorneys for Claimant
Main Office: 51 East Bethpage Road
Plainview, New York 11803

TO:
Denrick Cooper, Esq.
Debtor's Attorney
207-23 Hillside Ave
Queens Village, NY 11427

Michael J. Macco, Esq.
Trustee
2950 Express Drive South
Suite 109
Islandia, NY 11749

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

James A. Hunter,

CASE NO.: 18-41542 cec

Chapter: 13

DEBTOR.

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OBJECTION TO CONFIRMATION OF PLAN

ROSICKI, ROSICKI & ASSOCIATES, P.C.

Attorneys for Claimant

Main Office: 51 East Bethpage Road
Plainview, New York 11803

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

James A. Hunter,

DEBTOR.

CASE NO.: 18-41542 cec

Chapter: 13

CHIEF JUDGE: CARLA E. CRAIG

Affidavit of Service

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STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

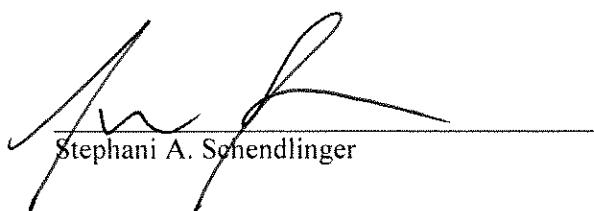
Stephani A. Schendlinger, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and reside in Suffolk, New York.

On April 19, 2018, I served the within Objection to Confirmation of Plan on the following parties, by depositing a true copy thereof in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

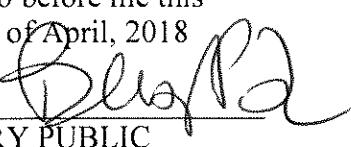
Denrick Cooper, Esq.
207-23 Hillside Ave
Queens Village, NY 11427

Michael J. Macco, Esq.
2950 Express Drive South
Suite 109
Islandia, NY 11749



Stephani A. Schendlinger

Sworn to before me this
19th day of April, 2018



NOTARY PUBLIC

Betsy P. Tarr
Notary Public, State of New York
No. 01TA6000083
Qualified in Nassau County
Term Expires December 8, 2021

ROSICKI, ROSICKI & ASSOCIATES, P.C.

ATTORNEYS AT LAW

Main Office: 51 East Bethpage Road

Plainview, New York 11803

Telephone 516-741-2585

Faxsimile 516-873-7243

April 19, 2018

Chambers of the Honorable Carla E. Craig
United States Bankruptcy Court
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

**Re: Debtor: James A. Hunter
Bankruptcy Case No.: 18-41542 cec**

Dear Sir/Madam:

Enclosed please find one copy of the Objection to Confirmation of Plan.

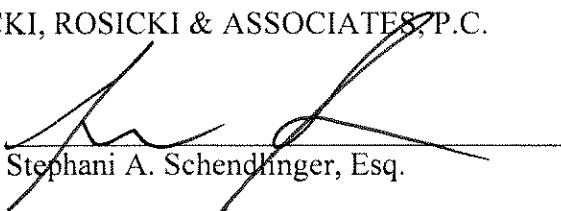
Please note that the Confirmation Hearing is scheduled for **May 31, 2018 at 10:00 AM.**

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

ROSICKI, ROSICKI & ASSOCIATES, P.C.

By:


Stephani A. Schendlinger, Esq.

Enclosures